

# THIRD GRAND JURY CHALLENGED BY ATTORNEYS AT ALAMOGORDO

Porter and Talley Raise Objection to Its Empaneling on the Ground that It Is Drawn From a Venire that Should Be Legally Dead; Judge Is Declared by the Attorneys to Be in Error.

ALAMOGORDO, N. M., April 12.—Grand Jury No. 2, the third one to be drawn in less than a week, did not make any report to the court yesterday or last night. The Porter-Talley case was not taken up until this morning, yesterday being devoted to routine work, picking up the odds and ends left by grand juries Nos. 1 and 2 when they were summarily dismissed. One of the cases inquired into was the matter of the sale of tobacco cigars, cigarettes and cigar material to minors. Between 15 and 20 young boys, the majority of them school boys, were examined in the effort to fix the responsibility. The grand jury's finding in the matter is being awaited with interest by some of the dealers.

Talley and Porter Not Present. While the public has been marking time, impatiently waiting to learn whether grand jury No. 2 will follow the precedent established by grand juries 1 and 2, and not appear, Porter and O. M. Talley, accused of killing Ralph S. Connelley near Tularosa, a manufacturer of wild ramblers, planted conveniently near Alamogordo, has been working double shifts. One of these wild stories which relate currency yesterday was that Porter and Talley had not been seen since Friday, with rather a broad implication that they had quietly departed. Five minutes of inquiry developed the fact that the men had been sent to Tularosa, there to remain until needed here, under directions of counsel, in order that it might not be said that they had been present to influence the grand jury in any way whatever.

Objection to Grand Jury. When the panel of grand jury No. 3 was completed at 9:30 Monday morning, and before the oath was administered, Porter and Talley, through their counsel, H. R. Holt and Tom Lacy, interposed a challenge to the array

# ELEFEGUACAS IN EL PASO NOW

Albuquerque Attorney Says He Is Not Guilty of Salazar Conspiracy.

Elefegua Baca, indicted at Santa Fe in connection with the alleged conspiracy to free Gen. Jose Felix Salazar, in El Paso attending personal business. The Albuquerque attorney has offered to return to the federal grand jury charging that Arriola was guilty of contempt in seeking to intimidate a witness before the grand jury.

"I have learned through the papers," he said, "that I and others have been indicted for conspiracy in Gen. Jose Salazar to escape." "I am not guilty of such a charge and I am willing to go back at any time. I have been in El Paso on personal business and, if the United States marshal will wire me I will come up to Santa Fe immediately. By so doing I will save the United States my railroad fare and marshal's expenses."

The indictment against Baca charges conspiracy with each other and with the late Colonel Victoriano, to commit an offense against the United States in the rescue and release of Jose Felix Salazar from the custody of the United States marshal in El Paso. The indictment, dated Nov. 20, named with Baca in the indictment are Manuel Vigil, district attorney at Albuquerque, Trinidad C. Juarez, a state game and fish warden; Carlos Arriola, jailer of Bernalillo county; and Manuel Aranda, both of Albuquerque.

# ARMUJO CHARGED WITH CONTEMPT

Presentment Alleges that He Threatened Witness With Death in Salazar Case.

Santa Fe, N. M., April 12.—Salvador Arriola was arrested by a deputy United States marshal and held in El Paso Monday afternoon, following a presentment by the federal grand jury charging that Arriola was guilty of contempt in seeking to intimidate a witness before the grand jury.

The presentment alleges he threatened with death a witness named Pedro Curale if the latter should testify to anything which would "hurt" Elefegua Baca, Jesus Romero, sheriff of Bernalillo county, or Carlos Arriola, jailer there, and one of the men indicted with Baca for assisting in the escape of Gen. Jose Felix Salazar, who is now in Mexico.

# AGENTS OF U. S. WATCH HUERTA

Important Conferences Regarding War Are to Be Held, It Is Reported.

New York, April 12.—Gen. Victoriano Huerta, former president of Mexico, is today in Mexican circles that important conferences would be held here at once to determine whether the time was ripe for Huerta to interfere in Mexico, rally his old battalions to his support and attempt to put down the factions contending for the control of that country. It was said the agents of the federal government here were keeping a close watch on his movements.

A statement given out by Francisco Elias, the consul general representing the Carranza faction here, said that Huerta's destination in Yucatan, "where he expects to inaugurate a revolution against Carranza."

Suspicious Box Is Opened. A statement Monday that the police a mysterious box which was supposed to contain candy and which was handed to him as he landed. He did not open it but notified the hotel management. At the police station the box was opened by an expert in explosives and was found to contain a rambling manuscript apparently written by some irresponsible person.

Gen. Huerta was permitted to land after he had taken oath before the immigration inspectors that he was not going to either Mexico or Cuba and had stated his stay in this country would be divided between business and pleasure.

Swears Not to Break Neutrality. Gen. Huerta also declared under oath he would do nothing "that would in any way involve the neutrality of the United States."

He thought he would return to Spain in May.

Gen. Huerta was met at quarantine by representatives of the press and an array of photographers. While submitting to being photographed in every desired pose, he declined to say anything as to his mission—agreeing to meet newspaper men at his hotel here next Friday morning.

The ordinary cost of a Want Ad in the El Paso Herald is 25 cents. It reaches an average of about 100,000 readers each issue.

# SEND TRANSPORT FOR FOREIGNERS

Hundreds at Tampico Are Anxious to Get Away From Danger Zone.

Washington, D. C., April 12.—Secretary of state Bryan has asked the war department to furnish an army transport to bring those Americans at Tampico who are desirous of returning to the United States.

Three hundred Americans have filed requests for transportation. Threatened famine, continued fighting in the outskirts of Tampico and the lack of work have caused an exodus of foreigners from Tampico.

Carranza to Aid Foreigners. Assurance has been received from Gen. Carranza that while he cannot agree to the neutralization of the city of Mexico on the railroad line from the capital to Veracruz, he will provide every facility for the transportation of food to foreigners whenever his forces regain possession of Mexico City.

Hostilities were expected to be resumed today in the vicinity of Salaya and Irapuato between the contending Mexican armies under Gen. Villa and Obregon, according to state department advices.

Carranza Sends Report. George C. Carothers, American consular agent, who went to Guadaluajara to investigate the question of mining taxes, returned to Villa's headquarters at Irapuato Monday night and sent the state department a report on the military situation in that section. He telegraphed that on April 8 and 9 there were 25 hours of fighting, after which

Gen. Villa decided to await reinforcements. Reinforcements and ammunition are being sent to Gen. Obregon, who is reported to be still at Salaya.

It is reported from Salaya that a Villa force reached Huachichila April 11 and that the Nuevo Laredo garrison has gone to give battle.

Brilliant victories reported Carranza victory. No one was hurt.

The Carranza agency announced today that a telegram had been received from Gen. Obregon dated at Salaya today, reiterating his claims of victory over Villa's army and saying his troops were proceeding northward.

Ministry Explains Mining Decree. The Carranza agency made public the following statement from Max Lombardo, minister of foreign affairs, explaining the recent mining decree:

"The provisional government does not mean to confiscate the mines but to reestablish, in effect, some provisions of the old mining laws which provisions are universally adopted and enforced and which consist in declaring the forfeiture of a mining property when, without justified cause, it is not developed or operated within a given time or when the owners of said property fail in the payment of taxes. One of the provisions of the old laws reestablished is that no mining property can exceed 150 hectareas for each individual, or 150 hectareas for a company.

"This last regulation will have no retroactive effect. Existing properties are not subject to its application. It is intended only to take care of future claims."

CLAYTON VILLA FORCES ARE BEATEN NEAR NUEVO LAREDO. Laredo, Tex., April 12.—Villa troops were defeated Monday in a battle with Carranza forces between Huachichila and Jarcas, 29 miles south of Nuevo Laredo, according to a telephone message received here. The Carranza army force numbered about 2,000 men and the Villista army 1,500. It was said the Villistas were reported retreating southward.



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P. R. Teas, Banker, Hopkinton, Ia.: I treated with three doctors for six months. They did me no good. My face and scalp were full of the disease. I applied D. D. D. Result—my face is as smooth as a baby's.

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# 125 CARRANCISTAS REPORTED KILLED

(Continued From Page One.)

forces operating against Victoriano, capital of Tamaulipas.

Early Saturday morning a battle took place at Garza Valdez, resulting in the capture of military trains five machine guns, a large quantity of arms and ammunition and 150 prisoners. The enemy lost about 125 killed, although completely scattering, and escaping to the mountains in this vicinity. Our losses were 22 killed and 22 wounded. The wounded have been sent to Laredo.

# PASSPORT CAUSES ARREST OF MEDINA

Col. Juan N. Medina, mayor of Juarez, who was recently arrested and taken to Chihuahua, has been released and has the freedom of the city, according to reports from that city. Villa officials here stated that Medina was expected to return to Juarez and take possession of the city.

Issuance of a passport to S. Montemayor, former mayor of Juarez, is said to have caused his arrest. He issued the passport on instructions from Chihuahua City. It is stated, and then he was arrested by the Villa military officials. Medina protested to the governor, who created on the charge of insubordination.

# REASONS OF COURT ATTACKED

"(c) That the reason given by the court for such action was not a good and sufficient reason and not such a reason as under the law, authorized the court to take such action, even and the said so-called grand jury been legally organized.

"(d) Refusal by said grand jury to return an indictment against said defendants did not justify the court in holding that said grand jury had failed in its duty, and constituted no legal justification for the aforesaid action by the court.

"Very Not Legal."

"(e) That the persons so sworn aforesaid last selected for the purpose of completing or filling the panel of the grand jury and now about to be sworn are not legally selected grand jurors and are not authorized to be sworn as such.

"(f) If such persons are sworn, the grand jury will then consist of 31 instead of 21 members, as fixed and limited by law.

"(g) The persons now about to be sworn are selected from the new jury list so as aforesaid prepared on January 8, A. D. 1913, which list, if valid for any purpose, was in effect for and during the remainder of the 12 month period dating from the date of the selection of the said original jury list, so an aforesaid quashed on November 9, 1914, and which 12 month period expired on April 9, 1915.

Not in Accord With Law.

"Consequently such persons now about to be sworn have not been selected, drawn or chosen in accordance with law, and are not eligible to be sworn and empaneled as grand jurors to serve at and during the remainder of this term of court; and said body as then constituted is and will be an illegal organization and devoid of authority to act as, or to perform any of the functions of, a grand jury."

"Wherefore, said defendants challenge the array and protest against the administering of the statutory oath to said persons and against their being permitted to exercise any of the functions of, or to act as, grand jurors, and especially against their being permitted to investigate the charges pending against said defendants."

# ENGLAND WILL PROTEST AGAINST VILLA DECREE

London, England, April 12.—The foreign office has instructed the British charge d'affaires at Mexico City to lodge a protest with Gen. Villa against the new mining regulations promulgated by the Villa regime. The foreign office took action upon the receipt of advices from the charge to the effect that the mining regulations in question amounted virtually to confiscation of foreign mining interests.

# EMBARGO IS PLACED ON TRAFFIC OUT OF CANANEA

Douglas, Ariz., April 12.—Preparatory, it is believed to a troop movement which will culminate in an attack on the Carranza garrison of Agua Prieta, the Villa officials here declared an embargo on all traffic out of Cananea and other Sonora points under their control. It is reported that 1000 Villa forces are encamped in the vicinity of San Jose for an attack on Agua Prieta.

# GEN. HERRERA EXECUTES 200 VILLISTAS, IS REPORT

Laredo, Tex., April 12.—Mexican soldiers in Nuevo Laredo today declared Gen. Maclovio Herrera caused 200 Villa prisoners to be executed Monday after their defeat near Huachichila, 29 miles south of Laredo. The Carranza commander's only reply to Americans who questioned him regarding the report was that the prisoners had been disposed of.

# CONSEL WOULD EFFECT GERMAN MERCHANTS' RELEASE

Nogales, Ariz., April 12.—American consul Fredrick Smyth has been instructed by the state department to endeavor to obtain the release of Arnold Faerber, a German subject and member of a mercantile firm at Magdalena, Son. The Sonora authorities requested the company for a large donation of flour, and when Faerber protested, it is stated, he was placed under arrest.



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